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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,326	10/28/2003	David J. Akers	AKEP101USA	4858

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EXAMINER

NGUYEN, KIM T

ART UNIT PAPER NUMBER

3713

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/695,326

Applicant(s)

AKERS, DAVID J.

Examiner

Kim Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 6-10 is/are allowed.
- 6) ☒ Claim(s) 2-5 and 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/2/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The amendment filed June 4, 2004 has been received and considered. By this amendment, claims 6-14 have been added and claims 1-14 are now pending in the application.

#### ***Claim Objections***

1. Claims 2-3 are objected to because of the following informalities:
  - a) In claim 2, line 1, the claimed limitation "a player" should be corrected to "the player".
  - b) In claim 3, lines 3-4, the claimed limitation "provide and electronic" should be corrected to "provide an electronic".
  - c) In claim 3, line 7, the claimed limitation "the account" should be corrected to "an account".
  - d) In claim 3, line 8, the claimed limitation "a user" should be corrected to "the player".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3-5 and 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3713

a) In claim 3, line 5, the claimed limitation “and/or” is ambiguous. It is not clear if the expression “and/or” should be read as “and” or “or”.

b) Claims 4-5 and 11-14 are rejected as being dependent on the rejected base claim.

4. The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

5. Claim 2 is rejected under 35 U.S.C. 112, fourth paragraph, for failing to limit the subject matter of its parent claim. The claimed limitation “registering a player” in claim 2 does not further limit the method of claim 1, because claim 1 does disclose the limitation “registering the player”.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-5 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran et al (US 2001/0044747) in view of Norris (US patent No, 5,940,811).

a. As per claim 3-5, Ramachandran discloses an identification device, an account computer communicating unique digital identification information of a user (paragraphs 0043, 0048, and

Art Unit: 3713

0061). Ramachandran does not explicitly disclose that the identification device includes a means for accepting a digital signature indicating that the player have read and understood rules.

However, Norris discloses providing an electronic signature pad for obtaining the signature of the application indicating understand and accepting regulation (col. 3, lines 6-9; and col. 10, lines 26-33). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the digital signature pad of Norris to the identification device of Ramachandran in order to allow the player to enter signature electronically.

b. As per claim 11-14, Ramachandran discloses coupling the identification device to the computer via a network (paragraphs 0029 and 0031). Further, a network including the Internet, a direction connection, a LAN, or a wireless network would have been well known types of network.

#### *Allowable Subject Matter*

8. Claims 1 and 6-10 are allowed.

9. Claim 2 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, 4th paragraph, set forth in this Office action.

10. The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record do not disclose the method for establishing a registered player set aside and registered player account set forth in claim 1. Specifically, the method comprises establishing a registered player account, the registered player set aside increased by a predetermined portion of a registered player's purchase, the registered player set aside

Art Unit: 3713

transferred to the registered player account, once the registered player's set aside amount reaches a predetermined threshold level in a predetermined period of time.

***Response to Arguments***

11. Applicant's arguments with respect to claims 3-5 have been considered but are moot in view of the new ground of rejection.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

Art Unit: 3713

(703) 872-9306, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

Hand-delivered responses should be brought to Crystal Plaza II, Arlington, VA  
Second Floor (Receptionist).

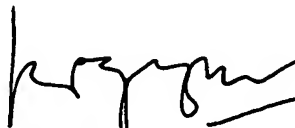
13. Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The  
examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703) 308-1148.

kn

Date: August 21, 2004



**KIM NGUYEN**  
**PRIMARY EXAMINER**